

APPLICANT(S): A. RIBAK, et al.
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 15 - 25 and 37 are pending in the application and have been rejected. There are no amendments presented herewith

The Telephone Interview

Initially, Applicants wish to thank the Examiner, Michael Yaary, for granting and attending the telephone interview with Applicants' Representative, Heidi M. Brun, Reg. No. 34,504 on June 30, 2009. During the interview, the Ruths and Frid-Nielson citations and their combination were discussed.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action the Examiner rejected claims 15 and 37 under 35 U.S.C. 103(a) as being anticipated by Ruths et al. (*US Patent Publication No. 2003/0018719*) in view of Frid-Nelson (*US Patent 5,740,444*) and rejected claims 16 – 25 under 35 U.S.C. 103(a) as being anticipated by Ruths et al. and Frid-Nielson in view of Fitzpatrick (*US Patent 7,039,677*). Applicants respectfully traverse this rejection in view of the remarks that follow.

Ruths discloses a collaborative platform that allows people to each contribute something and build in a collaborative way. The Examiner concedes that it does not involve integrated development environments (IDEs).

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The present claims do not recite collaboration. Claims 15 and 37 recite "accessing peer support resources". Peer support resources may provide information to the developer and may answer questions that the developer may have, but they do not "collaborate" since collaboration involves building something together. Peer support only provides help. Ruths does not show peer support.

Frid-Nielsen discloses the concept of an Application Development Environment. This involves anyone who creates a development environment - be it Eclipse, or something else. This reference does not pertain to collaboration or to peer support.

In the prior art, collaboration and IDEs were each separately known, but it was not known to use them together.

The herein claimed invention is not for an IDE. Instead it involves taking an existing IDE and adding peer support to it, which was not heretofore known in the IDE world. Further, the herein claimed invention is not for peer support. Instead it involves taking existing peer support tools and adding them to the existing IDE, which was not heretofore known in the world of peer support.

This combination of peer support with an IDE is beneficial and creates a new and unexpected result for the industry.

To establish obviousness, the Examiner must do more than simply say collaboration (which the Examiner equates to peer support) was known and IDEs were known and, therefore, they can be combined. Instead, the Examiner must explain why it would have been obvious to combine them.

"The key to supporting any rejection under 35 U.S.C. **103** is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. **103** should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396" M.P.E.P. 2141

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In the Office Action, there is a failure to enunciate why it would have been obvious to take existing collaboration tools and adding them to the existing IDE or to take an existing IDE and adding a collaboration aspect to it.

Generally, there needs to be "Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention" (M.P.E.P. 2141). There is no such teaching in this situation.

In order to combine prior art elements from distinct references, there needs to be "a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods" (M.P.E.P. 2143), but herein there is no such teaching.

Moreover, it would not have been obvious or inherent to combine the references. There is no evidence that a person skilled in the art would have appreciated the advantages that accrue when one takes either collaboration tools or peer support tools and adds them to the existing IDE or takes an existing IDE and adds a collaboration aspect to it.

A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references" M.P.E.P. 2143.01

Therefore, it is respectfully requested that the rejections under Section 103 be withdrawn.

The addition of Fitzpatrick does not make the combination of Ruths and Frid-Neilson possible. Fitzpatrick discusses chat threads and marking each thread with a visual identifier. It does not show "displaying topics of discussions based on work being performed in an integrated development environment" (claim 24). While the thread may be identified by the user, there is no identification of the topic of discussion. Moreover, there is no "based on work being performed" nor is there any teaching towards it.

In view of the foregoing remarks, the pending claims 15 – 25 and 37 are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Response, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this response to Deposit Account 09-0468.

Respectfully submitted,

By: /Suzanne Erez/
Suzanne Erez
Reg. No. 46,688
Phone No. 1-888-260-5928

Date: July 9, 2009
IBM Corporation
Intellectual Property Law Dept.
P. O. Box 218
Yorktown Heights, New York 10598